

## Appendix II – 7

### Feedlot Standard Guidance

### NPDES/SDS Permitted Feedlots

September 2009

#### Disclaimer

*The Guidance set out in this Appendix is not intended, and cannot be relied upon, to create any rights, substantive or procedural, that are enforceable by any person or party. The Minnesota Pollution Control Agency (MPCA) reserves the right to act, at variance, with this guidance at any time without notice. The situations and potential responses set forth in this matrix are intended solely for the guidance of MPCA staff.*

#### Purpose

The Guidance provides standardized enforcement response or “General Starting Points” for violations of feedlot regulations, rules, statutes, or permit conditions. The Guidance does not address compliance determination and therefore should be consulted after an inspector has determined a violation has occurred. In the absence of applicable guidance, staff should consult with their supervisor and compliance coordinator.

#### Definitions

Violation. A Violation is documented non-compliance of feedlot regulations, rules, statutes, or permit conditions.

Situation. A Situation is a particular circumstance of a violation.

Occurrence. *First Occurrence* is an event for which an enforcement action will be taken against a Regulated Party (RP). *Second Occurrence* is a second event of the same nature as the First Occurrence, but at a different time. A Second Occurrence event does not have to take place at the same site, structure, or location as the First Occurrence event. For example, an RP receives a First Occurrence enforcement action for surface applying manure in a sensitive area on field A. The following year the RP surface applies manure in a sensitive area on field B. For this event, the RP will receive a Second Occurrence enforcement action. To be considered a Second Occurrence, the RP must be notified of the violation via the First Occurrence enforcement action. Multiple events of the same nature at the same time shall be considered a First Occurrence, (e.g. an RP surface applies manure in a sensitive area on fields A, B, and C in the winter on different days and on different fields), unless an escalated General Starting Point is warranted.

Notification. *First Notification* is an enforcement action for a non-compliant event. *Second Notification* is a stepped-up enforcement action and subsequent to a First Notification enforcement action. A Second Notification enforcement action is used when an RP fails to comply with the First Notification.

General Starting Point. The General Starting Point is the enforcement action staff shall issue for a particular violation. The General Starting Point also determines whether or not a case should be brought to forum. Specific circumstances surrounding a violation may warrant escalation or de-escalation of an enforcement action. However, escalation or de-escalation of an enforcement action shall not be initiated without the consultation. For General Starting Points that require a forum, the forum shall review the facts of the case and considerations provided in this document to determine the appropriate enforcement action for a particular case. For General Starting Points that do not require a forum, de-escalation of an enforcement action shall not occur. However, the case lead, case supervisor, and compliance coordinator may review the facts of the case and considerations provided in this document to determine if escalation is warranted.

Citation. A Citation is the regulation, rule, statute, or permit condition for a Violation. Citations are provided generally not specifically.

Considerations. Considerations are factors that should be contemplated to determine if escalation or de-escalation of an enforcement action is warranted as provided for under the General Starting Point definition.

Assumptions. Assumptions provide clarification for violations.

## **Notes**

Third (or more) Occurrence or Notification. For instances of a third or more Occurrence or Notification of a violation, the General Starting Point shall be at least the same as the Second Occurrence or Notification. However, staff should consult with their supervisor and compliance coordinator to determine if an escalated General Starting Point is warranted.

Return to Compliance. Violations corrected by a Regulated Party, either immediately upon notice or any time before an enforcement action is issued, shall not be ignored. The General Starting Points as provided in the Guidance shall be carried through regardless of a Regulated Party's response to a violation.

Method of Discovery. The General Starting Point applies to a violation regardless of the method of discovery (e.g. annual report, inspection, self-report).

## **Table of Contents**

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## 1. Liquid Manure Storage Area Operation & Maintenance

Violation	Situation	General Starting Point	Citation
Depth marker has not been installed on open-air storage		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Overflows	<ul style="list-style-type: none"> <li>See Part [ REF _Ref230150741 \h \* MERGEFORMAT ]</li> </ul>		
Modifications to storage area without prior approval	<ul style="list-style-type: none"> <li>Doesn't require engineering (as per agency engineer)</li> <li>Requires engineering (as per agency engineer)</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100</li> </ul>
Excessive gully erosion and other weather-related damage to basin sidewalls (O & M)	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Not meeting required freeboard		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Closure requirements not followed	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230157234 \h \* MERGEFORMAT ]</li> </ul>		
Unpermitted basin – not certified	<ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. 7020.2110</li> </ul>
Damaged structure not being repaired/maintained (O & M)	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100</li> </ul>
Perimeter tile	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151305 \h \* MERGEFORMAT ]</li> </ul>		

*Liquid Manure Storage Area Operation & Maintenance*

Violation	Situation	General Starting Point	Citation
Evidence of seepage/leakage on permitted structure		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100</li> </ul>
Record Keeping	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151305 \h \* MERGEFORMAT ]</li> </ul>		
Discharge	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151352 \h \* MERGEFORMAT ]</li> </ul>		
Deep rooted vegetation and rodents (O & M)	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Inadequate drainage around MSA	<ul style="list-style-type: none"> <li>1st year after construction (due to settling)</li> <li>All other occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection follow-up letter</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
No fence	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Deposition of substance into an LMSA other than manure without authorization (e.g. dead animal, industrial bio-solids)	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>

*Considerations:*

- If modification required a permit, see Part [ REF \_Ref230151727 \h \\* MERGEFORMAT ]

*Assumptions:*

- Short-term stockpiles sites located outside of the production area of the CAFO

## 2. Solid Manure Storage Area Operation & Maintenance

Violation	Situation	General Starting Point	Citation
<b>Short-term Stockpile</b>			
Not meeting required setbacks		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Stockpile exceeds agronomic needs of a 320-acre field or the tract of land on which it is to be applied.		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Stockpile slopes <3:1 or <15% solids	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Located on slopes >6%		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Located on slopes 2-6% without clean water diversion		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Saturated soils within 2 feet		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>

## Solid Manure Storage Area Operation &amp; Maintenance

Violation	Situation	General Starting Point	Citation
Soils coarser than a sandy loam within the top 5 feet		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Rock quarries, sand, gravel pits, mining excavations, bedrock	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Vegetation not re-established in year following stockpiling		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Site used longer than one year		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Insufficient records	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151587 \h \* MERGEFORMAT ]</li> </ul>		
Runoff flows from stockpile to waters of the state	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230150741 \h \* MERGEFORMAT ]</li> </ul>		
<b>Permanent Stockpile</b>			
Not meeting required setbacks to waters	<ul style="list-style-type: none"> <li>Existing prior to 2001 – 1st Notification</li> <li>Existing prior to 2001 – 2nd Notification</li> <li>Constructed after 2001</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Requires liquid manure storage area to collect runoff	<ul style="list-style-type: none"> <li>Existing prior to 2001 – 1st Notification</li> <li>Existing prior to 2001 – 2nd Notification</li> <li>Constructed after 2001</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> <li>Penalty</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>

		Document	■ Minn. R. 7020.2125
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## Solid Manure Storage Area Operation &amp; Maintenance

Violation	Situation	General Starting Point	Citation
Stockpile slopes <3:1 or <15% solids	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Saturated soils within 2 feet	<ul style="list-style-type: none"> <li>Existing prior to 2001 – 1st Notification</li> <li>Existing prior to 2001 – 2nd Notification</li> <li>Constructed after 2001</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Pad does not meet permeability requirements	<ul style="list-style-type: none"> <li>Existing prior to 2001 – 1st Notification</li> <li>Existing prior to 2001 – 2nd Notification</li> <li>Constructed after 2001</li> <li>Existing pad but no longer meets permeability requirements</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> <li>Penalty Doc</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
No clean water diversion		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Runoff flows from stockpile to waters of the state	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151703 \h \* MERGEFORMAT ]</li> </ul>		
Failure to apply for permit (and/or obtain permit)	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151727 \h \* MERGEFORMAT ]</li> </ul>		
Construction Notice	<ul style="list-style-type: none"> <li>Refer to Part [ REF _Ref230151781 \h \* MERGEFORMAT ]</li> </ul>		

## Considerations:

- Number of violations
- Number stockpiles
- Size of stockpiles

## Assumptions:

- Short-term stockpiles sites located outside of the production area of the CAFO

**3. Closure – Manure Storage Areas and Animal Holding Areas**

Violation	Situation	General Starting Point	Citation
Failure to close	<ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part IV. Closure</li> <li>Minn. R. 7020.2025</li> </ul>
Failure to notify prior to covering with fill or another building		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part IV. Closure</li> </ul>
Failure to send closure letter		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part IV. Closure</li> <li>Minn. R. 7020.2025</li> </ul>
Improper closure		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part IV. Closure.</li> <li>Minn. R. 7020.2025</li> </ul>

#### 4. Dead Animal Management

Violation	Situation	General Starting Point	Citation
<b>General</b>			
Not using an approved dead animal management method	<ul style="list-style-type: none"> <li>No potential or actual environmental harm</li> <li>Potential or actual environmental harm</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to Board of Animal Health (BAH)</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part I. Permit Coverage, Authorization, and Limitations</li> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Failure to update animal mortality plan		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part I. Permit Coverage, Authorization, and Limitations</li> </ul>
Discharge from dead animal disposal area	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230158043 \h \* MERGEFORMAT ]</li> </ul>		
Record keeping requirements	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230158071 \h \* MERGEFORMAT ]</li> </ul>		
<b>Rendering Pick-up</b>			
Carcass pick-up site accessible to scavengers	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Carcasses located within 200 feet of neighbors buildings	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Carcasses left at pick-up site for more than 72 hours	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>

## Dead Animal Management

Violation	Situation	General Starting Point	Citation
<b>Composting</b>			
Composting without an impervious pad	<ul style="list-style-type: none"> <li>No potential or actual environmental harm (located on fine-textured clay soils)</li> <li>Potential or actual environmental harm (seasonal high water table, coarse textured soil, shallow bedrock, Karst)</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Composting without records of checking temperatures or process	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Composting area has leachate that is not contained	See Part [ REF Ref230158334 \h * MERGEFORMAT ]		
Exposed carcasses in compost area accessible to scavengers	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
<b>Burial</b>			
Carcasses placed within five feet of water table	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Burial within shoreland zone	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Carcasses not covered with soil to keep scavengers out	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter and refer to BAH</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>

*Dead Animal Management*

Violation	Situation	General Starting Point	Citation
Buried in coarse-textured soils	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
Carcasses placed within 10 feet of bedrock	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. ch. 1719</li> </ul>
<b>Incineration</b>			
Emissions exceed 20% opacity	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. 7011.1215</li> </ul>
No afterburner or no effective afterburner	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. 7011.1215</li> </ul>
Particulate matter from ash airborne due to improper handling	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. 7011.1215</li> </ul>

*Considerations:*

- Seasonal high water table, coarse textured soil, shallow bedrock, Karst
- Number of occurrences
- Numbers of dead animals involved

*Assumptions:*

- For failure to follow BAH regulations, the assumption is made that BAH is the primary regulator for non-compliance of the permit condition and, therefore, referral is justified
- Anytime there is concern about a violation of Minn. R. chs. 7060 or 7050, the MPCA becomes the primary regulator

## 5. Land Application of Manure

Violation	Situation	General Starting Point	Citation
Manure nutrient testing insufficient	<ul style="list-style-type: none"> <li>No 3 consecutive year baseline established</li> <li>At least one test</li> <li>No tests</li> <li>Recent testing (2-4 calendar years), but not annually and a base-line established</li> <li>Testing some, but not testing all storage areas expected to have different nutrient content</li> <li>No testing in past four years</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>LOW</li> <li>NOV</li> <li>LOW</li> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Nitrogen rates excessive	<ul style="list-style-type: none"> <li>First Occurrence 20-50% deviation</li> <li>First Occurrence &gt;50% deviation</li> <li>Second Occurrence 20-50% deviation</li> <li>Second Occurrence &gt;50% deviation</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> <li>NOV</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Sandy soil application in summer or early fall	<ul style="list-style-type: none"> <li>First Occurrence</li> <li>Second Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Summer applications without cover crop	<ul style="list-style-type: none"> <li>First Occurrence</li> <li>Second Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Soil phosphorus testing insufficient	<ul style="list-style-type: none"> <li>Some fields not tested in last four years (first occurrence)</li> <li>Second Occurrence</li> <li>Most/no fields not tested in last four years (first occurrence)</li> <li>Second Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>LOW</li> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>

*Land Application of Manure*

Violation	Situation	General Starting Point	Citation
Failure to manage phosphorus when required	<ul style="list-style-type: none"> <li>▪ 21 Bray, 16 Olson – special protection areas</li> <li>▪ 75 Bray, 60 Olson – special protection areas / 300 feet of open tile intakes</li> <li>▪ 150 Bray, 120 Olson – outside of special protection areas / &gt;300 feet of open tile intakes</li> <li>▪ Second occurrence of any above</li> </ul>	<ul style="list-style-type: none"> <li>▪ LOW</li> <li>▪ NOV</li> <li>▪ LOW</li> <li>▪ NOV</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> <li>▪ Minn. R. 7020.2225</li> </ul>
Surface applications within 300 feet of lakes, streams, and public waters wetlands		<ul style="list-style-type: none"> <li>▪ NOV</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> <li>▪ Minn. R. 7020.2225</li> </ul>
Surface applications within 300 feet of open tile intakes, unbermed ditches, or intermittent streams		<ul style="list-style-type: none"> <li>▪ NOV</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> <li>▪ Minn. R. 7020.2225</li> </ul>
Winter application on fields not approved by MPCA	<ul style="list-style-type: none"> <li>▪ If this is the only violation cited</li> </ul>	<ul style="list-style-type: none"> <li>▪ LOW</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part I. Permit Coverage, Authorization, and Limitations</li> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> </ul>
Not following winter application requirements		<ul style="list-style-type: none"> <li>▪ NOV</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> </ul>
Setbacks to sinkholes or wells		<ul style="list-style-type: none"> <li>▪ NOV</li> </ul>	<ul style="list-style-type: none"> <li>▪ General Permit, Part II. Land Application and Nutrient Management</li> <li>▪ Minn. R. 7020.2225</li> </ul>

*Land Application of Manure*

Violation	Situation	General Starting Point	Citation
25-foot setback to waters, if incorporating/injecting		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
No land application records for sites retaining ownership of manure	<ul style="list-style-type: none"> <li>Enough records to conduct a Level II inspection but missing some</li> <li>Not enough records to conduct a Level II inspection</li> <li>No records at all</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Transferred manure – producer of manure records	<ul style="list-style-type: none"> <li>Enough records to conduct a Level II inspection but missing some</li> <li>Not enough records to conduct a Level II inspection</li> <li>No records at all</li> <li>Not providing Attachment A and B to manure recipient</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>LOW</li> <li>NOV</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Transferred manure – recipient of manure records	<ul style="list-style-type: none"> <li>Enough records to conduct a Level II inspection but missing some</li> <li>Not enough records to conduct a Level II inspection</li> <li>No records at all first occurrence</li> <li>No records at all second occurrence</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>LOW</li> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Manure application in road ditch		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>Minn. R. 7020.2225</li> </ul>
Failure to update MMP		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part I. Permit Coverage, Authorization, and Limitations</li> <li>General Permit, Part II. Land Application and Nutrient Management</li> </ul>



## *Land Application of Manure*

### *Considerations:*

- Location of fields (impaired waters, DWSMA, WPA)
- Over application of nutrients due in part to commercial fertilizer
- Number of fields
- Number of acres

### *Assumptions:*

- Sandy soils are determined by soil survey and are defined in General Permit
- Commercial applicators could be the responsible party to the violations listed in this section and should be considered

## 6. Record Keeping/Reporting

Violation	Situation	General Starting Point	Citation
Animal mortality record-records of management and practices	<ul style="list-style-type: none"> <li>First Occurrence</li> <li>Second Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> </ul>
Land application	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230159493 \h \* MERGEFORMAT ]</li> </ul>		
No construction report within 60 days	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230159513 \h \* MERGEFORMAT ]</li> </ul>		
Inspections records	<ul style="list-style-type: none"> <li>Stormwater diversion inspection record</li> <li>Runoff diversion structure inspection record</li> <li>Devices channeling flow inspection record</li> <li>LMSA inspection record</li> <li>Depth marker reading</li> <li>Drain tile inspection record</li> <li>Water lines inspection record</li> <li>Leaks on application inspection record</li> <li>Records of any actions correcting problems found when conducting above inspections</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> </ul>
Overflow from any LMSA records		<ul style="list-style-type: none"> <li>Usually associated with a discharge event</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> <li>General Permit, Part VI, General Conditions</li> </ul>

*Record Keeping/Reporting*

Violation	Situation	General Starting Point	Citation
Short-term stockpile records		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> <li>Minn. R. 7020.2125</li> </ul>
Composted manure records	<ul style="list-style-type: none"> <li>Failed to keep records that document the composition of the composted material</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> <li>Minn. R. 7020.2150</li> </ul>
Soil-lined poultry barn floors construction records	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230151781 \h \* MERGEFORMAT ]</li> <li>Had records but cannot produce them at the time of the inspection</li> <li>Cannot produce records</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> <li>Minn. R. 7020.2120</li> </ul>
Stormwater pollution prevention plan (SWPPP)	<ul style="list-style-type: none"> <li>Implementation records</li> <li>Inspection records</li> <li>Modification records</li> <li>Maintenance records</li> </ul>	<ul style="list-style-type: none"> <li>Consult with stormwater program staff for all</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part V. Record Keeping and Reporting</li> </ul>

Record Keeping/Reporting

Violation	Situation	General Starting Point	Citation
Facility maintenance activities	<ul style="list-style-type: none"> <li>Records of modifications made to MSA including damage and repair</li> <li>Changes in management or operation</li> <li>Significant activities that alter the nature of the facility or would increase the likelihood of runoff or groundwater pollution</li> <li>Other factors affecting compliance with Permit conditions</li> </ul>	<ul style="list-style-type: none"> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> <li>Inspection Letter</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part V. Record Keeping and Reporting</li> </ul>
Annual report	<ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Generic Enforcement Decision (*see [ <a href="http://intranet.pca.state.mn.us/programs/erp/ii-4.html">HYPERLINK "http://intranet.pca.state.mn.us/programs/erp/ii-4.html"</a> ] of the agency ERP - "Failure to Submit Annual Report – APO" for specifics</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part V. Record Keeping and Reporting</li> </ul>
Report of discharge or bypass	<ul style="list-style-type: none"> <li>To Duty Officer within 24 hours</li> <li>Written statement to MPCA within 5 days</li> </ul>	<ul style="list-style-type: none"> <li>Always associated with a discharge event</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part V. Record Keeping and Reporting</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. Stat. § 115.061</li> </ul>
Non-compliance notification	<ul style="list-style-type: none"> <li>Telephone communication</li> <li>Written notification of deviation endangering human health or the environment within 5 days</li> <li>Completion report within 30 days</li> </ul>	<ul style="list-style-type: none"> <li>Always associated with other non-compliance</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> </ul>
Groundwater monitoring – required as a permit condition	<ul style="list-style-type: none"> <li>Did not submit plan</li> <li>No report – 1st Notification</li> <li>No report – 2nd</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>LOW</li> <li>Penalty Doc</li> </ul>	<ul style="list-style-type: none"> <li>2011 General Permit</li> </ul>

	<div>Notification</div> <div><div>■ Missing sampling events</div><div><div>- 1 per year</div><div>- 2 or more per year</div></div></div>	<div>- LOW</div> <div>- NOV</div>	
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## 7. Construction

Violation	Situation	General Starting Point	Citation
Failure to build in accordance with poultry barn floor requirements	<ul style="list-style-type: none"> <li>Concrete or asphalt               <ul style="list-style-type: none"> <li>&lt; 3.5" concrete or 2" asphalt</li> <li>failure to seal cracks</li> </ul> </li> <li>Soil lined               <ul style="list-style-type: none"> <li>not meeting minimum thickness</li> <li>improper placement and/or compaction</li> <li>improper particle size, plasticity, or moisture content</li> </ul> </li> <li>PVC lined               <ul style="list-style-type: none"> <li>&lt; 30 mil thickness</li> <li>protective liner covered with less than 6" cover</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>NOV</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2120</li> </ul>
Failure to maintain poultry barn floors		<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2120</li> </ul>
Failure to build in accordance with permanent stockpile requirements	<ul style="list-style-type: none"> <li>See Part [ REF_Ref230160395 ] for construction after 2001</li> </ul>		<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2125</li> </ul>
Failure to build to design standards (LMSA)	<ul style="list-style-type: none"> <li>Non-concrete or composite-lined not meeting seepage rate</li> <li>Concrete               <ul style="list-style-type: none"> <li>no waterstop</li> <li>cracks or clayballs not repaired</li> <li>floor &lt; 5"</li> <li>no fibermeshing or rebar not meeting ACI 360</li> <li>non-manure handling penetration in liner</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100</li> </ul>
Failure to follow SWPPP		<ul style="list-style-type: none"> <li>Confer with stormwater staff for starting point guidance</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>

## Construction

Violation	Situation	General Starting Point	Citation
Failure to build in accordance with submitted plans and specifications (LMSA)	<ul style="list-style-type: none"> <li>Failure to follow QA/QC</li> <li>No or improper tile placement or dedicated system</li> <li>Modifications made without prior MPCA approval</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>NOV</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100</li> </ul>
No pre-construction notice	<ul style="list-style-type: none"> <li>LMSA</li> <li>Poultry barn floor</li> <li>Permanent stockpile</li> </ul>	<ul style="list-style-type: none"> <li>Generic Enforcement Decision (*see [ <a href="http://intranet.pca.state.mn.us/programs/erp/ii-4.html">HYPERLINK "http://intranet.pca.state.mn.us/programs/erp/ii-4.html"</a> ] of the agency ERP – Failure to Notify of Construction</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100, 2120, 2125</li> </ul>
No post-construction notice	<ul style="list-style-type: none"> <li>LMSA</li> <li>Poultry barn floor</li> <li>Permanent stockpile</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>NOV</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100, 2120, 2125</li> </ul>
Constructed within setback zones	<ul style="list-style-type: none"> <li>LMSA</li> <li>Poultry barn floor</li> <li>Permanent stockpile</li> </ul>	<ul style="list-style-type: none"> <li>Penalty Doc.</li> <li>Penalty Doc.</li> <li>See Part [ REF_Ref230160677 \h \* MERGEFORMAT ]</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2100, 2120, 2125</li> </ul>
Failure to keep poultry barn floor construction records	<ul style="list-style-type: none"> <li>Cannot produce records</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>Minn. R. 7020.2120</li> </ul>
No Construction	<ul style="list-style-type: none"> <li>LMSA – 1st</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General</li> </ul>

report within 60 days	Notification <ul style="list-style-type: none"><li>■ LMSA – 2nd Notification</li></ul>	■ Penalty Document	Permit, Part III. Facility Construction, Operation, and Maintenance <ul style="list-style-type: none"><li>■ Minn. R. 7020.2100</li></ul>
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*Construction*

*Assumptions:*

- Corrective actions to resolve these violations should always be to meet minimum standards
- Records for poultry barn floors were not required before 2000

**8. Air Quality**

Violation	Situation	General Starting Point	Citation
Failure to implement air emissions plan	<ul style="list-style-type: none"> <li>Methods and practices used to minimize air emissions from general facility practices</li> <li>Complaint response protocol</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>LOW</li> </ul>	General Permit, Part I. Permit Coverage, Authorization, and Limitations
Failure to update air emissions plan		<ul style="list-style-type: none"> <li>LOW</li> </ul>	General Permit, Part I. Permit Coverage, Authorization, and Limitations
State Ambient Air Quality Standard (as determined by ERP Appendix II-8 H2S Standard Guidance)	<ul style="list-style-type: none"> <li>To be developed 1<sup>st</sup> half of FY10</li> </ul>		

## 9. Permitting

Violation	Situation	General Starting Point	Citation
Construction or expansion of animal holding areas or manure storage areas without a permit or permit modification		<ul style="list-style-type: none"> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.0405</li> </ul>
Construction or expansion of non-animal holding areas or non-manure storage areas (e.g. feed storage) without a permit or permit modification	<ul style="list-style-type: none"> <li>Guidance to be developed in FY10 on types of structures that require modification to coverage</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>2011 General Permit</li> </ul>
Change in animal type (e.g. big to little within the same species) without a permit modification	<ul style="list-style-type: none"> <li>No increase in animal units</li> <li>Increase in animal units</li> <li>Decrease in animal units</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>LOW</li> <li>LOW</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Change in animal species (e.g. cattle to swine) without a permit modification	<ul style="list-style-type: none"> <li>No increase in animal units</li> <li>Increase in animal units</li> <li>Decrease in animal units</li> </ul>	<ul style="list-style-type: none"> <li>NOV</li> <li>Penalty Doc</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> </ul>
Existing CAFOs or feedlots with >1,000 AUs without permit coverage	<ul style="list-style-type: none"> <li>Does not own other NPDES/SDS permitted feedlots</li> <li>Owens other NPDES/SDS permitted feedlots</li> </ul>	<ul style="list-style-type: none"> <li>LOW (to submit application – if not submitted elevate to Penalty Document</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. 7020.0405</li> <li>Minn. R. 7001.0030</li> </ul>
Failure to apply for permit reissuance 180 days prior to permit expiration	<ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7001.0040</li> </ul>
Transfer of ownership without permit transfer		<ul style="list-style-type: none"> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.0405</li> </ul>

*Permitting*

*Considerations:*

- The public's understanding of the permitted facility because permit coverage under either an individual permit or a general permit is public noticed to some degree
- Change in amount of manure produced
- Change in the manure handling system

**10. Discharge**

Violation	Situation	General Starting Point	Citation
Discharge from LMSA	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from permanent manure stockpile	<ul style="list-style-type: none"> <li>Potential runoff into groundwaters of the state               <ul style="list-style-type: none"> <li>1st notification</li> <li>2nd notification</li> </ul> </li> <li>Potential or actual runoff into surface waters of the state or direct conduits to groundwater</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from short-term manure stockpile to waters of the state	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>NOV</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from open lot	<ul style="list-style-type: none"> <li>Potential runoff into groundwaters of the state               <ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul> </li> <li>Potential or actual runoff into surface waters of the state or direct conduits to groundwater</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>

*Discharge*

Violation	Situation	General Starting Point	Citation
Discharge from feed storage area	<ul style="list-style-type: none"> <li>Potential runoff into groundwaters of the state               <ul style="list-style-type: none"> <li>1st Notification</li> <li>2nd Notification</li> </ul> </li> <li>Potential or actual runoff into surface waters of the state or direct conduits to groundwater</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from dead animal disposal area to waters of the state	<ul style="list-style-type: none"> <li>1st Occurrence</li> <li>2nd Occurrence</li> </ul>	<ul style="list-style-type: none"> <li>LOW</li> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part III. Facility Construction, Operation, and Maintenance</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from milkhhouse	<ul style="list-style-type: none"> <li>All occurrences</li> </ul>	<ul style="list-style-type: none"> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2003, 7050.0210, 7060.0600</li> </ul>
Discharge from land application areas to waters of the state	<ul style="list-style-type: none"> <li>All occurrences (usually associated with land application of manure violations, see Part [REF_Ref230159493 h \* MERGEFORMAT])</li> </ul>	<ul style="list-style-type: none"> <li>Penalty Document</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Part II. Land Application and Nutrient Management</li> <li>General Permit, Part VI. General Conditions</li> <li>Minn. R. 7020.2225, 7050.0210, 7060.0600</li> </ul>

*Considerations:*

- Actual discharge to waters of the state (surface or groundwater) / documented evidence
- Potential discharge to waters of the state (surface or groundwater) / could reach waters of the state under certain conditions such as a rain event or snow melt event
- Very little or not potential to discharge to waters of the state (surface or groundwater) / terminates in a field over non-permeable soils
- Amount and duration of discharge
- Type of pollutant discharged (e.g. manure, process wastewater, feed leachate, feed pad runoff)
- Evidence of overflows without evidence of reaching surface waters, but likely seepage to ground water
- Overflows with immediate clean-up and no impact to surface or ground water
- Clearly accidental, the situation was unforeseen (this does not include failure to conduct proper operation and maintenance)

**11. Non-feedlot Violations**

Violation	Situation	General Starting Point	Citation
Existing LMSA or animal holding area - well setback not met		<ul style="list-style-type: none"> <li>Discuss with Dept. of Health to determine regulatory authority</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. ch. 4725</li> </ul>
ISTS/SSTS -improper disposal		<ul style="list-style-type: none"> <li>Refer to county or agency staff</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. ch. 7080</li> </ul>
Improper disposal of solid or hazardous waste	<ul style="list-style-type: none"> <li>Examples               <ul style="list-style-type: none"> <li>burn pit/burn barrel</li> <li>silage bags/temporary feed storage covers</li> <li>demo debris</li> <li>pharmaceuticals/sharps and animal health products waste disposal</li> <li>used oil</li> <li>pesticide containers</li> <li>lead acid batteries</li> <li>parts washer</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Confer/refer to solid waste and/or hazardous waste programs</li> </ul>	<ul style="list-style-type: none"> <li>Minn. R. ch. 7035, 7045</li> </ul>
Unpermitted truck wash		<ul style="list-style-type: none"> <li>Confer/refer to Industrial WQ Point Source Program</li> </ul>	<ul style="list-style-type: none"> <li>Industrial Point Source General Permit</li> </ul>
Stormwater violations		<ul style="list-style-type: none"> <li>Confer/refer to Construction Stormwater staff</li> </ul>	<ul style="list-style-type: none"> <li>General Permit, Appendix C</li> <li>Minn. R. ch. 7090</li> </ul>

***Attachment A - Rule and Statute Citations for Common Feedlot Violations***

**Table of Contents**

[ TOC \h \z \t "Heading 1,1,Heading 2,2" ]



<b>Interim Permit</b>
-----------------------

***Failure to Submit Interim Permit Application within 15 Days***

**Minn. R. 7020.0505 PERMIT APPLICATIONS AND PROCESSING PROCEDURES.**

Subp. 2. Permit application submittal schedule. An owner of an animal feedlot or a manure storage area required to apply for a permit under part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.0405"](https://www.revisor.leg.state.mn.us/rules?id=7020.0405) ], subpart 1, shall apply in accordance with the following schedule:

E. a facility determined to be a pollution hazard shall submit a permit application by the submittal deadline established by the commissioner or the county feedlot pollution control officer's written request. The owner has at least 15 days to submit the permit application.

[[HYPERLINK \l "ToC"](#)]

***Noncompliance with Interim Permit***

**e.g MPCA-INT 3097 – GORDON A. JOHNSON AND TODD G. JOHNSON**

Part 2. 3. Plans and Schedules. By June 1, 2004, the Permittee shall install a 35 foot vegetated buffer around the surface tile intake.

- \* Authority provided in Minn. Stat. § 115.071 and within the permit;  
TERMS AND CONDITIONS OF PERMITS (7001.0150, subp. 3)

E. The permittee shall perform the actions or conduct the activity authorized by the permit in accordance with the plans and specifications approved by the agency and in compliance with the conditions of the permit.

[[HYPERLINK \l "ToC"](#)]

<b>Change of Ownership with No Permit</b>
---

***Failure to Register***

**Minn. R. 7020.0350, REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND MANURE STORAGE AREAS**

Subp. 2. Owners required to register.

A. Owners of the following facilities are required to register with the commissioner or delegated county, except as provided in item B:

- (1) an animal feedlot capable of holding 50 or more animal units, or a manure storage area capable of holding the manure produced by 50 or more animal units; and
- (2) an animal feedlot capable of holding ten or more and fewer than 50 animal units, or a manure storage area capable of holding the manure produced by ten or more and fewer than 50 animal units, that is located within shoreland.

[HYPERLINK \l "ToC"]

< 300 Animal Unit - Construction and Expansion

***Failure to Submit "Notice of Construction or Expansion Form"***

**Minn. R. 7020.2000 STANDARDS FOR DISCHARGE, DESIGN, CONSTRUCTION, OPERATION, AND CLOSURE, OVERVIEW.**

Subp. 5. Government notifications of proposed construction or expansion. An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in items A and B. Notification must be on a form provided by the commissioner and include the information in subpart 4, item A, subitems (1) to (5).

- A. The commissioner, or in a delegated county the county feedlot pollution control officer, at least 30 days prior to commencement of construction of a new animal feedlot or manure storage area or an expansion of an existing animal feedlot capable of holding fewer than 300 animal units or a manure storage area capable of holding the manure produced by fewer than 300 animal units after construction. Notification under this item is complete if the owner is proposing construction or modification of a liquid manure storage area and has submitted plans and specifications in accordance with part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.2100"](https://www.revisor.leg.state.mn.us/rules?id=7020.2100) ], subpart 4.

[[HYPERLINK \l "ToC"](#)]

**Construction and Expansion within a Restricted Area**

**Location of Feedlot or MSA in a Restricted Area**

**Minn. R. 7020.2005 LOCATION RESTRICTIONS AND EXPANSION LIMITATIONS.**

Subpart 1. Location restrictions. Except as provided in items A and B, a new animal feedlot or a manure storage area must not be constructed within shoreland, a floodplain, 300 feet of a sinkhole, 100 feet of a private well, or 1,000 feet of a community water supply well or other wells serving a public school as defined under Minnesota Statutes, section [ [HYPERLINK "https://www.revisor.leg.state.mn.us/statutes?id=120A.05" \l "stat.120A.05"](https://www.revisor.leg.state.mn.us/statutes?id=120A.05) ], a private school excluding home school sites, or a licensed child care center where the well is vulnerable according to part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=4720.5550"](https://www.revisor.leg.state.mn.us/rules?id=4720.5550) ], subpart 2.

A. An animal feedlot or a manure storage area located in shoreland meeting the requirements of part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.0300"](https://www.revisor.leg.state.mn.us/rules?id=7020.0300) ], subpart 15, item B:

(1) that has been unused for less than ten years is a pollution hazard and may resume operation after applying for and obtaining an interim permit under part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.0405"](https://www.revisor.leg.state.mn.us/rules?id=7020.0405) ], subpart 1, item C; or

(2) that has been unused for ten years or more must not resume operation.

B. A new animal feedlot or manure storage area may be constructed within 1,000 feet of a community water supply well or other well serving a public school as defined under Minnesota Statutes, section [ [HYPERLINK "https://www.revisor.leg.state.mn.us/statutes?id=120A.05" \l "stat.120A.05"](https://www.revisor.leg.state.mn.us/statutes?id=120A.05) ], a private school excluding home school sites, or a licensed child care center if the following three conditions are met:

(1) the Minnesota Department of Health has approved a drinking water supply management area for the well under part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=4720.5360"](https://www.revisor.leg.state.mn.us/rules?id=4720.5360) ];

(2) the animal feedlot or manure storage area is not within the drinking water supply management area; and

(3) the animal feedlot or manure storage area is not within 200 feet of the well.

[[HYPERLINK \l "ToC"](#)]

**Construction and Expansion without a Permit**

***Failure to Register***

**Minn. R. 7020.0350, REGISTRATION REQUIREMENTS FOR ANIMAL FEEDLOTS AND MANURE STORAGE AREAS**

Subp. 2. Owners required to register.

A. Owners of the following facilities are required to register with the commissioner or delegated county, except as provided in item B:

(1) an animal feedlot capable of holding 50 or more animal units, or a manure storage area capable of holding the manure produced by 50 or more animal units; and

(2) an animal feedlot capable of holding ten or more and fewer than 50 animal units, or a manure storage area capable of holding the manure produced by ten or more and fewer than 50 animal units, that is located within shoreland.

[\[HYPERLINK \l "ToC"\]](#)

***Failure to Apply for a CSF Permit***

**Minn. R. 7020.0405 PERMIT REQUIREMENTS.**

Subp. 1. Permit required. Four types of permits are issued under this chapter and chapter 7001: interim permits, construction short-form permits, SDS permits, and NPDES permits. The owner shall apply for a permit as follows:

D. unless required to obtain a permit under items A to C, a construction short-form permit for an animal feedlot or manure storage area proposing to construct or expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more. However, if a facility is determined to be a pollution hazard and the owner is proposing to expand to a capacity of 300 animal units or more, or the manure produced by 300 animal units or more, the owner shall apply for an interim permit under item C.

[\[HYPERLINK \l "ToC"\]](#)

***Failure to Apply for a Permit (General)***

**Minn. R. 7001.0030 PERMIT REQUIRED.**

No person required by statute or rule to obtain a permit may construct, install, modify, or operate the facility to be permitted, nor shall a person commence an activity for which a permit is required by statute or rule until the agency has issued a written permit for the facility or activity.

[\[HYPERLINK \l "ToC"\]](#)

***Failure to Obtain a CSF Permit***

**Minn. R. 7020.0405 PERMIT REQUIREMENTS.**

Subp. 2. Expansion and stocking limitations. Prior to expansion, an owner required to apply for a construction or operating permit under subpart 1 shall have obtained the permit, or permit modification, as applicable. An owner issued an interim permit that authorizes construction for an expansion shall not stock the expansion prior to the fulfillment of all permit conditions related to the correction of the pollution hazard for which the interim permit was issued.

[[HYPERLINK \l "ToC"](#)]

***Failure to Obtain a Permit (General)***

**Minn. Stat. § 115.07 VIOLATIONS AND PROHIBITIONS.**

Subd. 1. Obtain permit. It shall be unlawful for any person to construct, install or operate a disposal system, or any part thereof, until plans therefore shall have been submitted to the agency unless the agency shall have waived the submission thereof to it and a written permit therefore shall have been granted by the agency....

[[HYPERLINK \l "ToC"](#)]

***Failure to Submit "Notice of Construction or Expansion Form"***

**Minn. R. 7020.2000 STANDARDS FOR DISCHARGE, DESIGN, CONSTRUCTION, OPERATION, AND CLOSURE, OVERVIEW.**

Subp. 5. Government notifications of proposed construction or expansion. An owner proposing to construct or expand an animal feedlot or manure storage area shall notify the government authorities listed in items A and B. Notification must be on a form provided by the commissioner and include the information in subpart 4, item A, subitems (1) to (5).

B. All local zoning authorities, including county, town, and city zoning authorities, of the proposed construction or expansion at least 30 days prior to commencement of construction of a new feedlot or manure storage area or an expansion of an existing animal feedlot or manure storage area.

[[HYPERLINK \l "ToC"](#)]

***Failure to Submit Design Plans and Specs for a LMSA***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 4. Design plans and specifications. The owner shall prepare and submit to the commissioner or county feedlot pollution control officer design plans and specifications meeting the requirements of items A to N with a permit application or at least 90 days prior to the commencement of construction. Design plans and specifications, except plans and specifications for concrete-lined manure storage areas having a capacity of 20,000 gallons or less, must be prepared and signed by a design engineer.

[[HYPERLINK \l "ToC"](#)]

***Failure to Construct LMSA According to Design Plans and Specs***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 5. Construction and notification requirements.

A. The owner shall construct the manure storage area according to the design plans and specifications submitted to the commissioner or the county feedlot pollution control officer. Proposed engineering changes or modifications to the design plans and specifications, related to the liner specifications, location, depth, or separation distance to bedrock, must be submitted to the commissioner or county feedlot pollution control officer prior to commencement of construction related to the proposed change.

[[HYPERLINK \l "ToC"](#)]

***Failure to Notify 3 Days Prior to the Commencement of Construction of an LMSA***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 5. Construction and notification requirements.

B. An owner shall notify the commissioner or county feedlot pollution control officer and the design engineer of intent to construct a minimum of three business days prior to commencement of construction. Notification must be completed by letter, telephone, or facsimile and include:

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section;
- (4) the design engineer's name; and
- (5) the name of the contractor responsible for installing the liner.

[[HYPERLINK \l "ToC"](#)]

***Failure to Notify 3 Days Following the Completion of Construction of an LMSA***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 5. Construction and notification requirements.

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

[[HYPERLINK \l "ToC"](#)]

***Failure to Submit a Construction Report for an LMSA***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 5. Construction and notification requirements.

D. The owner shall submit a construction report to the commissioner or county feedlot pollution control officer within 60 days of the completion of any new or modified manure storage area. The report must be prepared and signed by the design engineer and must contain an assessment of whether the completed manure storage area conforms to the design plans and specifications submitted to the commissioner or county feedlot pollution control officer. The commissioner may require manure removal from the manure storage area and corrective actions if the construction report indicates that the completed manure storage area does not conform to the design plans and specifications.

[[HYPERLINK \l "ToC"](#)]

***Failure to Complete LMSA Construction Inspections***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 6. Inspections of liquid manure storage areas. An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

[[HYPERLINK \l "ToC"](#)]

***Failure of to Obtain Contractor Certification***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

Subp. 6. Inspections of liquid manure storage areas. An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

C. The contractor responsible for installation of the liner shall certify on a form provided by the commissioner that the manure storage area was constructed in conformance with the design plans and specifications and construction standards for all applicable stages of construction in item B.

[\[HYPERLINK \l "ToC"\]](#)

***Failure to Submit Inspector Information for Final Construction Report***

**Minn. R. 7020.2100, LIQUID MANURE STORAGE AREAS**

**Subp. 6. Inspections of liquid manure storage areas.** An owner constructing a liquid manure storage area, except for a concrete-lined manure storage area with a capacity of 20,000 gallons or less, shall have inspections completed during the construction process which comply with items A to D.

D. The owner shall ensure that the following information is submitted to the design engineer for incorporation into the construction report required in subpart 5, item D:

- (1) the name and qualifications of the inspector;
- (2) the inspection form required in item B; and
- (3) the liner contractor's certification form required in item C.

[\[HYPERLINK \l "ToC"\]](#)



## Liquid Manure Storage Areas

### **Feedlot or Manure Storage Area Closure**

#### **Minn. R. 7020.2025 ANIMAL FEEDLOT OR MANURE STORAGE AREA CLOSURE.**

The owner of an animal feedlot or a manure storage area is responsible for closure and shall:

- A. within one year of ceasing operation, remove and land apply manure and manure-contaminated soils from manure storage areas and animal holding areas in accordance with part 7020.2225;
- B. as soon as practicable after completing the requirements of item A, reduce soil nitrogen by growing alfalfa, grasses, or other perennial forage for at least five years; and
- C. within 60 days after final closure, submit a certified letter to the commissioner or county feedlot pollution control officer stating that the animal feedlot or the manure storage area has been closed according to the requirements in this part. The letter must identify the location of the animal feedlot or the manure storage area by county, township, section, and quarter section.

[[HYPERLINK \l "ToC"](#)]

### **New Construction**

(Damaged Structure, Honeycombing, Exposed Rebar, Cracks, Pit Walls Compromised)

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

Subp. 5. Construction and notification requirements.

- A. The owner shall construct the manure storage area according to the design plans and specifications submitted to the commissioner or the county feedlot pollution control officer. Proposed engineering changes or modifications to the design plans and specifications, related to the liner specifications, location, depth, or separation distance to bedrock, must be submitted to the commissioner or county feedlot pollution control officer prior to commencement of construction related to the proposed change.

[[HYPERLINK \l "ToC"](#)]

### **Old Construction with Plans and Specs**

(undercut pads, varmints, brush, trees, honeycombing, exposed rebar, cracks, pit walls compromised)

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

Subp. 7. Operation and maintenance. The owner of a manure storage area shall operate and maintain the manure storage area according to the operation and maintenance plan submitted in accordance with subpart 4, item N.

#### **Minn. R. 7020.0300 DEFINITIONS**

Subp. 19a. Pollution hazard. "Pollution hazard" means an animal feedlot or manure storage area that:

- A. does not comply with the requirements of parts [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.2000"](https://www.revisor.leg.state.mn.us/rules?id=7020.2000) ] to [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.2225"](https://www.revisor.leg.state.mn.us/rules?id=7020.2225) ] and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
  - (1) the size of the animal feedlot or manure storage area;
  - (2) the amount of pollutants reaching or that may reach waters of the state;
  - (3) the location of the animal feedlot or manure storage area relative to waters of the state;
  - (4) the means of conveyance of animal manure or process wastewater into waters of the state; and

(5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

[[HYPERLINK \l "ToC"](#)]

### **Old Construction without Plans and Specs**

(undercut pads, varmints , brush, trees, honeycombing, exposed rebar, cracks, pit walls compromised)

#### **Minn. R. 7020.0300 DEFINITIONS**

Subp. 19a. Pollution hazard. "Pollution hazard" means an animal feedlot or manure storage area that:

- A. does not comply with the requirements of parts [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.2000"](#) ] to [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7020.2225"](#) ] and has not been issued an SDS or NPDES permit establishing an alternative construction or operating method; or
- B. presents a potential or immediate source of pollution to waters of the state as determined by inspection by a county feedlot pollution control officer or agency staff taking into consideration the following:
  - (1) the size of the animal feedlot or manure storage area;
  - (2) the amount of pollutants reaching or that may reach waters of the state;
  - (3) the location of the animal feedlot or manure storage area relative to waters of the state;
  - (4) the means of conveyance of animal manure or process wastewater into waters of the state; and
  - (5) the slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal manure or process wastewater into waters of the state.

[[HYPERLINK \l "ToC"](#)]

### **Failure to Notify 3 Days Prior to the Commencement of Construction of an LMSA**

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

Subp. 5 Construction and notification requirements

B. An owner shall notify the commissioner or county feedlot pollution control officer and the design engineer of intent to construct a minimum of three business days prior to commencement of construction. Notification must be completed by letter, telephone, or facsimile and include:

- (1) the permit number, if applicable;
- (2) the owner's name, and the name of the facility if different than the owner;
- (3) the site location by county, township, section, and quarter section;
- (4) the design engineer's name; and
- (5) the name of the contractor responsible for installing the liner.

[[HYPERLINK \l "ToC"](#)]

### **Failure to Notify 3 Days Following the Completion of Construction of an LMSA**

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

Subp. 5 Construction and notification requirements

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

[[HYPERLINK \l "ToC"](#)]

### **Failure to Notify 3 Days Prior to Backfilling Vertical Concrete Lined Walls**

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

Subp. 5 Construction and notification requirements

C. An owner shall notify the commissioner or county feedlot pollution control officer within three business days following completion of construction of the manure storage area liner. Notification for vertical concrete-lined walls under this item must be completed before backfilling the walls. Notification information must meet the requirements in item B.

[\[HYPERLINK \l "ToC"\]](#)

### ***Failure to Submit a Construction Report***

#### **Minn. R. 7020.2100 LIQUID MANURE STORAGE AREAS**

##### **Subp. 5 Construction and notification requirements**

D. The owner shall submit a construction report to the commissioner or county feedlot pollution control officer within 60 days of the completion of any new or modified manure storage area. The report must be prepared and signed by the design engineer and must contain an assessment of whether the completed manure storage area conforms to the design plans and specifications submitted to the commissioner or county feedlot pollution control officer. The commissioner may require manure removal from the manure storage area and corrective actions if the construction report indicates that the completed manure storage area does not conform to the design plans and specifications.

[\[HYPERLINK \l "ToC"\]](#)

### ***Unpermitted LMSA Less than 1,000 AU***

#### **Minn. R. 7020.2110 UNPERMITTED OR NONCERTIFIED LIQUID MANURE STORAGE AREAS.**

Subp. 2. Schedule for facilities with capacity to hold fewer than 1,000 animal units. Except as required in subpart 1 or as provided in subpart 3, an owner who uses an unpermitted or noncertified liquid manure storage area with the capacity to hold fewer than 1,000 animal units or the manure produced by fewer than 1,000 animal units shall, by October 1, 2005:

A. complete one of the provisions under subpart 1, items A to C; or

B have a design engineer or professional soil scientist licensed in the state of Minnesota conduct a soils investigation and submit a soils investigation report to the commissioner or county feedlot pollution control officer that complies with the following:

[\[HYPERLINK \l "ToC"\]](#)

## Manure Stockpiles

### **Stockpiling Liquid Manure**

#### **Minn. R 7020.2125 MANURE STOCKPILING SITES.**

Subp. 1 General. This part describes requirements for permitting, design, construction, location, operation, and maintenance of short-term and permanent stockpiling sites.

C. must not be placed on a stockpiling site unless a three-to-one horizontal-to-vertical ratio can be maintained or the manure has at least, a 15 percent solids content.

[\[HYPERLINK \l "ToC"\]](#)

### **Setbacks**

#### **Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subp. 2 Additional requirements for short-term stockpiling. By October 1, 2001, all short-term sites must:

C. not be located within:

(1) 300 feet of flow distance and at least 50 feet horizontal distance, to waters of the state, sinkholes, rock outcroppings, open tile intakes, and any uncultivated wetlands which are not seeded to annual farm crops or crop rotations involving perennial grasses or forages;

(2) 300 feet of flow distance to any road ditch that flows to the features identified in subitem (1) or 50 feet of any road ditch where subitem (1) does not apply

[\[HYPERLINK \l "ToC"\]](#)

### **Greater than Six % Slopes**

#### **Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subp. 2 Additional requirements for short-term stockpiling. By October 1, 2001, all short-term sites must:

E. be prohibited:

(1) on land with greater than six percent slope

[\[HYPERLINK \l "ToC"\]](#)

### **Two to Six % Slopes**

#### **Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subp. 2. Additional requirements for short-term stockpiling. By October 1, 2001, all short-term sites must:

E. be prohibited:

(2) on land with slopes between two and six percent slope except where clean water diversions and erosion control practices are installed.

[\[HYPERLINK \l "ToC"\]](#)

### **Coarse Textured Soils**

#### **Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subp. 2. Additional requirements for short-term stockpiling. By October 1, 2001, all short-term sites must:

E. be prohibited:

(3) on soils where the soil texture to a depth of five feet is coarser than a sandy loam as identified in the most recent USDA/NRCS soil survey manual or based on a site-specific soils investigation.

[\[HYPERLINK \l "ToC"\]](#)

***Record Keeping***

**Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subp. 3. Recordkeeping for short-term stockpiling sites. The owner of the short-term stockpile site must maintain records for each stockpile site...Records must be kept on file for at least three years for all short-term stockpiling by the owner of the animal feedlot at which the manure was produced and be made available to the commissioner or county feedlot pollution control officer upon request.

*[HYPERLINK \l "ToC"]*

## Manure Application

### Application in Road Ditch

#### Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subpart 1. In general.

B. Manure and process wastewater application into road ditches is prohibited.

[[HYPERLINK \l "ToC"](#)]

### Manure Testing

#### Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 2. Manure nutrient testing requirements. Manure from all manure storage areas storing manure produced from more than 100 animal units must be tested by the owner of the animal feedlot for nitrogen and phosphorus content in accordance with items A to E, except that item A is not required for manure storage areas storing manure produced by fewer than 300 animal units.

A. For manure storage areas storing manure from 300 or more animal units, the manure must initially be tested once per year for at least three years.

B. Manure must be retested following changes in conditions affecting manure nutrient content including unusual climatic conditions, or changes in manure storage and handling, livestock types, or livestock feed.

C. Ongoing testing must continue at least once every four years unless more frequent testing is required under item B or in a permit.

D. The nutrient analysis must be conducted using a laboratory certified by the Minnesota Department of Agriculture or commissioner-approved on-farm sampling and analysis.

E. Sampling must be conducted so that a representative sample is obtained in accordance with University of Minnesota Extension Service recommendations.

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### Application Exceeds Crop Nitrogen Needs or Removal

#### Minn. R. 7020.2225 LAND APPLICATION OF MANURE.

Subp. 3. Nutrient application rate standards.

A. Manure and process wastewater application rates must be limited as described in subitems (1) to (3) so that the estimated plant available nitrogen from all nitrogen sources does not exceed expected crop nitrogen needs for nonlegume crops and expected nitrogen removal for legumes.

(1) Expected crop nitrogen needs, crop nitrogen removal rates, and estimated plant available nitrogen from manure and legumes must be based on the most recent published recommendations of the University of Minnesota Extension Service or of another land grant college in a contiguous state.

(2) Estimated plant available nitrogen from organic nitrogen sources, including manure, may deviate up to 20 percent from University of Minnesota Extension Service, or of another land grant college in a contiguous state, estimates where site nutrient management history, soil conditions, or cool weather warrant additional nitrogen application. When crop nitrogen deficiencies are visible or measured, remedial nitrogen applications above the 20 percent deviation can be made.

(3) Nitrogen sources include commercial fertilizer nitrogen, soil organic matter, irrigation water, legumes grown during previous years, biosolids, process wastewater, and manure applied for the current year and previous years.

[[HYPERLINK \l "ToC"](#)]

## **Phosphorus Soil Testing**

### **Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

#### **Subp. 3. Nutrient application rate standards.**

C. For land receiving manure or process wastewater from animal feedlots capable of holding 300 or more animal units or manure storage areas capable of holding the manure produced by 300 or more animal units, soil samples from the upper six inches must be collected at a minimum frequency of once every four years and analyzed for phosphorus using the Bray P1 or Olsen test. If soil phosphorus levels exceed the levels in subitems (1) and (2), then the owner must complete a manure management plan in accordance with subpart 4, item D, and submit it with a permit application to the agency or delegated county for review in accordance with subpart 4, item B, subitem (1).

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## **No MMP**

### **Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

#### **Subp. 4. Manure management plan requirements.**

A. An owner or operator of an animal feedlot shall prepare and retain on file a manure management plan that complies with item D according to the following schedule:

- (1) upon application for an NPDES, SDS, interim, or construction short-form permit for a facility capable of holding 100 or more animal units;
- (2) an owner of an animal feedlot capable of holding 300 or more animal units that is not required to obtain an NPDES, SDS, interim, or construction short-form permit shall prepare or update a manure management plan prior to January 1, 2005, when a manure management plan does not meet the requirements of this part or reflect current operations and the manure is applied by someone other than a commercial animal waste technician or a certified private manure applicator; and
- (3) once a manure management plan is required for a facility, a plan that meets the requirements under this subpart must be retained on file at the animal feedlot or manure storage area.

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## **Fields for Winter Application not Included in MMP**

### **Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

#### **Subp. 4. Manure management plan requirements.**

D. Except as provided in item E, the manure management plan must contain:

(10) for application onto frozen or snow-covered soil, the following information about the fields that may receive the manure or process wastewater:

- (a) field location;
- (b) land slopes;

[[HYPERLINK \l "ToC"](#)]

## **Land Application Records**

### **Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

#### **Subp. 5. Record keeping.**

A. Any person applying or receiving manure or process wastewater from a facility capable of holding 100 or more animal units shall maintain records of the amount of manure or process wastewater application on file:

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## **Application on Frozen Soils in Special Protection Areas**

**Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

Subp. 6. Manure and process wastewater application requirements in special protection areas.

A. Manure or process wastewater must not be applied to frozen or snow-covered soils in special protection areas.

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***Application on Unfrozen Soils in Special Protection Areas without Incorporation***

**Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

Subp. 6. Manure and process wastewater application requirements in special protection areas.

B. Manure or process wastewater applied to unfrozen soils in special protection areas must comply with subitem (1), (2), or (3).

(2) The following practices must be complied with:

(b) inject or incorporate within 24 hours and prior to rainfall

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***Application within 300' of Open Tile Intakes***

**Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

Subp. 7. Manure and process wastewater application for land within 300 feet of open tile intakes. Manure and process wastewater applied within 300 feet of open tile intakes, and where manure-contaminated runoff may flow into the open tile intake, must be injected or incorporated within 24 hours of application according to the schedule in items A and B unless other agency-approved water quality protection management practices are implemented in accordance with item C.

A. All liquid manure and process wastewater applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application beginning October 23, 2000.

B. All manure and process wastewater applied within 300 feet of open tile intakes must be injected or incorporated within 24 hours of application when applied after October 1, 2005.

C. Other agency-approved practices must be implemented that have been demonstrated through research by a land grant college to provide an equal degree of water quality protection as injection or incorporation within 24 hours.

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***Application within 50' of Sinkholes, Mines, Quarries, and Wells***

**Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

Subp. 8. Manure and process wastewater application near sinkholes, mines, quarries, and wells.

A. Manure and process wastewater must not be applied to land within 50 feet of an active or inactive water supply well, sinkhole, mine, or quarry.

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## Discharge to Waters of the State

**Land Application of Manure****Minn. R. 7020.2225 LAND APPLICATION OF MANURE.**

Subpart 1. In general.

A. Manure and process wastewater must not be applied to land in a manner that will:

- (1) result in a discharge to waters of the state during the application process, except that manure and process wastewater application is allowed onto seasonally saturated soils that are seeded to annual farm crops or crop rotations of perennial grasses or legumes; or
- (2) cause pollution of waters of the state due to manure-contaminated runoff.

[[HYPERLINK \l "ToC"](#)]**Manure Stockpile Sites****Minn. R. 7020.2125 MANURE STOCKPILING SITES.**

Subpart 1. General.

A. Manure stockpiling sites must be located and constructed such that manure-contaminated runoff from the site does not discharge to waters of the state.

[[HYPERLINK \l "ToC"](#)]**Animal Feedlot or MSA to Surface Waters****Minn. R. 7020.2003 WATER QUALITY DISCHARGE STANDARDS.**

Subp. 3. Other facilities. An owner of an animal feedlot or a manure storage area shall comply with the effluent limitations in part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7050.0215"](https://www.revisor.leg.state.mn.us/rules?id=7050.0215) ] [Repealed, 32 SR 1699] (Replaced with 7053.0305, subp. 2) unless the animal feedlot or the manure storage area is subject to the effluent limitation requirements in subpart 2 or if the owner of the animal feedlot is subject to and meets all of the requirements in subpart 4.

**Minn. R. 7053.0305 REQUIREMENTS FOR ANIMAL FEEDLOTS.**

Subp. 2. Effluent limits for a discharge.

A. Any person discharging pollutants to surface waters of the state from an animal feedlot or manure storage area who is not regulated by federal requirements under part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7053.0225"](https://www.revisor.leg.state.mn.us/rules?id=7053.0225) ], subpart 1, shall comply with the following limits after allowance for pollutant removal by a treatment works:

Pollutant	Limiting Concentration
Five-day biochemical oxygen demand	25 mg/L (arithmetic mean of all samples taken during any calendar month)

If the discharge is directly to or affects a lake, shallow lake, or reservoir, or to the waters listed in part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7053.0255"](https://www.revisor.leg.state.mn.us/rules?id=7053.0255) ], subpart 5, the person discharging the pollutants shall comply with the nutrient control requirements in part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7053.0255"](https://www.revisor.leg.state.mn.us/rules?id=7053.0255) ], subpart 3, items A and B. Feedlots are not considered new or expanded discharges as defined in part [ [HYPERLINK "https://www.revisor.leg.state.mn.us/rules?id=7053.0255"](https://www.revisor.leg.state.mn.us/rules?id=7053.0255) ], subpart 2.

**Minn. R. 7053.0255 PHOSPHORUS EFFLUENT LIMITS FOR POINT SOURCE DISCHARGES OF SEWAGE, INDUSTRIAL, AND OTHER WASTES.**

Subp. 3. Total phosphorus effluent limits.

A. Phosphorus removal to one milligram per liter is required when subitem (1), (2), or (3) applies:

(1) the discharge of effluent is directly to or affects a lake, shallow lake, or reservoir;

(2) the discharge is to the specific basins and water bodies designated in subpart 5; or

(3) the discharge is new or expanded as defined in subpart 2, except when the discharger can demonstrate to the commissioner that the discharger qualifies for an alternative phosphorus limit as provided in subpart 4.

B. If a phosphorus effluent limit is required under item A, removal of nutrients from all wastes must be provided to the fullest practicable extent wherever sources of nutrients are considered to be actually or potentially detrimental to preservation or enhancement of the designated water uses. Dischargers required to control nutrients under this part are subject to the variance provisions of parts [ HYPERLINK

"<https://www.revisor.leg.state.mn.us/rules?id=7000.7000>" ] and [ HYPERLINK

"<https://www.revisor.leg.state.mn.us/rules?id=7053.0195>" ].

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***Animal Feedlot or MSA to Groundwater Conduit***

**Minn. R. 7020.2003 WATER QUALITY DISCHARGE STANDARDS.**

Subpart 1. Animal feedlots and manure storage areas. Animal manure, manure-contaminated runoff, or process wastewater from any animal feedlot, including CAFOs, or manure storage area is prohibited from flowing into a sinkhole, fractured bedrock, well, surface tile intake, mine, or quarry.

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***Manure, Manure Contaminated Runoff, Leachate, Process Wastewater, Milk house Waste***

**Minn. R. 7050.0210 GENERAL STANDARDS FOR WATERS OF THE STATE.**

Subp. 2. Nuisance conditions prohibited. No sewage, industrial waste, or other wastes shall be discharged from either point or non-point sources into any waters of the state so as to cause any nuisance conditions, such as the presence of significant amounts of floating solids, scum, visible oil film, excessive suspended solids, material discoloration, obnoxious odors, gas ebullition, deleterious sludge deposits, undesirable slimes or fungus growths, aquatic habitat degradation, excessive growths of aquatic plants, or other offensive or harmful effects.

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**Minn. R. 7050.0210 GENERAL STANDARDS FOR WATERS OF THE STATE.**

Subp. 13. Pollution prohibited. No sewage, industrial waste, or other wastes shall be discharged from either a point or a nonpoint source into the waters of the state in such quantity or in such manner alone or in combination with other substances as to cause pollution as defined by law. In any case where the waters of the state into which sewage, industrial waste, or other waste effluents discharge are assigned different standards than the waters of the state into which the receiving waters flow, the standards applicable to the waters into which the sewage, industrial waste, or other wastes discharged shall be supplemented by the following: The quality of any waters of the state receiving sewage, industrial waste, or other waste effluents shall be such that no violation of the standards of any waters of the state in any other class shall occur by reason of the discharge of the sewage, industrial waste, or other waste effluents.

**Minn. R. 7060.0600 STANDARDS.**

Subp. 2. Prohibition against discharge into unsaturated zone. No sewage, industrial waste, other waste, or other pollutants shall be allowed to be discharged to the unsaturated zone or deposited in such place, manner, or quantity that the effluent or residue therefrom, upon reaching the water table, may actually or potentially preclude or limit the use of the underground waters as a potable water supply, nor shall any such discharge or deposit be allowed which may pollute the underground waters. All such possible sources of pollutants shall be monitored at the discharger's expense as directed by the agency.

**Minn. Stat. §115.061(a) DUTY TO NOTIFY AND AVOID WATER POLLUTION.**

It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, of any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.

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